

## CONFIDENTIAL BUSINESS INFORMATION

West Galena Development, Inc.  
Responses to U.S.EPA Request for Information of July 12, 2016

September 23, 2016

1. What was Charisma Unlimited, Inc. (Charisma)? How did the entity relate to WGD? Identify the founding members; Identify all owners, operators, officers, managers and/or directors; Identify the specific roles played by each person named, and the specific time periods that each identified person was involved with the Charisma (See, WGD January 2016 Response #1);

**WGD Response:**

WGD objects to Question 1 on the following bases:

- a. Question 1 is vague. For example, U.S.EPA did not define the terms, “operators,” or “managers,” and did not explain how those terms may differ from owners, officers, or directors.
- b. Question 1 refers to “WGD January 2016 Response #1,” but there exists no such response. Therefore, WGD responds to the above-quoted Question 1 on the assumption that U.S.EPA intended to refer to WGD’s response to U.S.EPA’s “First (but unnumbered) Question” of October 29, 2015.

Without waiving these objections, WGD states that Charisma Unlimited, Inc. (“CUI”) was an Illinois “C” corporation formed on March 28, 1995. CUI was in the business of providing various agricultural services, such as repairs to agricultural equipment. Lois J. Wienen was the sole shareholder, officer and director of CUI throughout CUI’s existence. CUI had no relation to WGD.

2. What involvement did the identified PRPs and/or their owners/operators/directors/officers (specifically: CAL and WGD) have with Galena Stone Products, Inc. (GSP)? For all individuals identified in the 2015 Supplemental Responses of the PRPs as having been involved with GSP, please identify their periods of involvement; roles in decision-making; involvement in the dissolution of GSP; and, reasons for dissolving GSP (See, WGD January 2016 Response #s 3 and 4, 7);

**WGD Response:**

WGD objects to Question 2 on the following bases:

- a. Question 2 is vague. The reference to “WGD January 2016 Response #s 3 and 4, 7” is not clear.

Without waiving this objection, WGD states that Lois J. Wienen was the President of GSP and Connie K. Wienen was the Vice President of GSP from GSP’s incorporation in 1988 through its dissolution in 1997. WGD is not aware

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of the “involvement” of any other persons in the management of GSP’s business. GSP dissolved because GSP was sold to Civil Constructors, Inc. in 1995.

3. What was the involvement of the identified PRPs and/or their owners/operators/directors/officers (specifically: CAL and WGD) with Wienen Brothers, Inc. (WBI)? Again, as with #s 1 and 2 above, for all individuals identified in the 2015 Supplemental Responses of the PRPs as having been involved with WBI, please identify their periods of involvement; roles in decision-making; involvement in the dissolution of WBI; and, reasons for dissolving WBI (See, WGD January 2016 Response #4);

**WGD Response:**

WGD objects to Question 3 on the following bases:

- a. Question 3 is vague. For example, the reference to “WGD January 2016 Response #4” is not clear because it requests information about assets of WGD from 2007 to the present, which was long after WBI dissolved.

Without waiving this objection, WGD refers to WGD’s January 15, 2016 Responses to New Questions 7 and 8. WGD also states that to its knowledge, James H. Wienen and Thomas A. Wienen were the sole owners, directors and officers of WBI throughout its existence, and were the sole decision makers until the death of James H. Wienen in 1991. Thomas A. Wienen and Lois J. Wienen were involved in the decision to dissolve WBI.

4. EPA requires any and all records maintained or kept by the PRPs, that relate to operations of GSP and WBI (See, WGD January 2016 Response #4, 7).

**WGD Response:**

WGD objects to Question 4 on the following bases:

- a. Question 4 is vague and overbroad. The reference to “WGD January 2016 Response #4, 7” is not clear.

Without waiving this objection, WGD possesses no records relating to GSP or WBI that it has not already produced to U.S.EPA.

5. Explain the history of ownership, sale and/or leasing of the property currently occupied by the Illinois Bank and Trust buildings at 953 and 971 Gear Street, Galena, Illinois, as

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relates to the identified PRPs (see, WGD January 2016 Response #12).

**WGD Response:**

WGD objects to Question 5 on the following bases:

- a. Question 5 is vague.
- b. WGD has already supplied the information requested by Question 5.
- c. The stated premise of Question 5 that there are “Illinois Bank and Trust buildings at 953 and 971 Gear Street, Galena, Illinois” is not correct.

Without waiving these objections, WGD refers U.S.EPA to its response to its January 15, 2016 response to New Question 5, and particularly footnote 2 therein. WGD further states that U.S. Bank is the lessee of the real estate known as 953 Gear Street, Galena, IL. WBI previously owned that property and was the owner of the land at the time of construction of the building on 953 Gear Street. Upon the dissolution of WBI, one-half undivided interests in 953 Gear Street were transferred to WGD and CAL. WGD has no information responsive to Question 5 with respect to 971 Gear Street. As stated in WGD’s January 15, 2016 response to New Question 12, Illinois Bank and Trust (f/k/a Galena State Bank) is located at 971 Gear Street.

- 6. The documents submitted by your clients in January 2016 included some references to Lois Wiene Trusts # 109 and #177. EPA requires specific and explicit detailing of the history, corpus elements, value at beginning of the Trust and at any dissolution of the Trusts, current condition and value, and all identified past or present owners, trustees, and beneficiaries of said Trusts. Further, were (or are) there any explicit instructions or directions for the activities of the above referenced Trusts that relate to their financial content, value, handling of assets (as defined by the EPA 2015 CERCLA Section 104(e), 42 USC Section 9604(e) Information Requests? (See, WGD January 2016 Response #19).

**WGD Response:**

WGD objects to Question 6 on the following bases:

- a. Question 6 is vague and overbroad.

Without waiving this objection, WGD states that it possesses no information responsive to Question 6.

7. What is the current value of parcel No. 22-000-143-00? (See, WGD January 2016 Response # 19).

**WGD Response:**

WGD does not possess the information sought by Question 7.

8. PRP WGD's Response #22, in January 2016, to the EPA Supplemental Information Request #22, does not appear to relate to the question but rather seems to relate to EPA Supplemental Information Request #18. Please explain.

**WGD Response:**

U.S.EPA is incorrect. WGD's January 15, 2016 response to New Question 22 does in fact relate to New Question 22. However, the phrase, "except as indicated in response to New Question 18, above" was erroneously included in the response. In all other respects, WGD reaffirms its January 15, 2016 response to New Question 22.

9. PRP WGD's Response #28, in January 2016, to the EPA Supplemental Information Request #28, appears to relate to CAL. EPA requires an answer for WGD.

**WGD Response:**

WGD's January 15, 2016 response to New Question 28 was erroneous and was intended to read as follows:

WGD objects to New Question 28 on the following bases:

- a. New Question 28 contains improper argumentative commentary arising from U.S.EPA's incorrect preconceived view of the facts.
- b. WGD objects to New Question 28 to the extent that New Question 28 seeks information protected by the attorney-client privilege and the attorney work-product doctrine.
- c. WGD objects to New Question 28 the extent that New Question 28 seeks information directed to persons other than WGD.
- d. New Question 28 seeks responses to questions U.S.EPA did not ask. U.S.EPA's allegations that WGD did not respond truthfully or completely to Original Question 28 are invalid.

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- e. This question represents an improper use of Section 104(e) because it seeks information which is obviously already in U.S.EPA's possession, but which U.S.EPA has failed to identify.

Without waiving these objections, WGD reiterates its response to Original Question 28. WGD also states that the equipment did not belong to WBI, which did not exist in July 1999. The notation accompanying Photo #9 in the 1999 IEPA report in Enclosure 8 reads, "Bulldozer with 'Louie's Trenching' painted on the side – located near the conveyor." Therefore, WGD assumes the equipment belonged to Louie's Trenching, but possesses no other information about the equipment.

10. EPA requires information concerning the Wienen Brothers Construction Company (WBC), and how it related and/or relates to the activities involving all identified PRPs, as well as any and all uses of the Site.

**WGD Response:**

WGD has no knowledge of any entity known as Wienen Brothers Construction Company.

11. Who is or was Julius Knauz (mentioned in 9/12/2011 documents of WGD)? What was Mr. Julius Knauz' relationship to the Site, as well as to WGD and Ms. Lois Jean Wienen?

**WGD Response:**

WGD objects to Question 11 on the following bases:

- a. Question 11 is vague. WGD does not know what U.S.EPA refers to by its reference to "9/12/2011 documents of WGD."
- b. WGD responds to Question 11 on the assumption that its reference to "Julius Knauz" was intended to read, "Julius Knautz."

Without waiving this objection, WGD states that Julius Knautz was the second husband of the later Lois Jean Wienen. WGD is aware of no relationship of Julius Knautz to the Site or to WGD.

12. What was or is the PUD development or entity? How was or is PUD related to the Site, and/or to any and all identified PRPs?

**WGD Response:**

WGD objects to Question 12 on the following bases:

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- a. Question 12 is vague.
- b. WGD assumes the “PUD” to which U.S.EPA refers in Question 12 is the Planned Unit Development located on James Street, Galena, Illinois.

Without waiving this objection, WGD states that following the cessation of operations of WBI, WGD and CAL were formed and the new corporations agreed on a division of assets. Each of the newly formed corporations received certain parcels in fee, but they received undivided one-half interests in other parcels, including those in the PUD. WGD is aware of no relation of the PUD to the Site.

13. EPA notes that the submission of Trust/Corporate history documents by WGD was incomplete, and must be supplemented completely. WGD provided a 2-page, February 29, 1997, ‘Third Amendment to Trust Agreement No. 217’ signed by Lois Jean Wienen and Thomas A. Wienen. Immediately following that document, in a different font, is an incomplete document starting at ‘Paragraph 2’ (of 7), unsigned and undated/nonnotarized, that seems to involve the transfer of certain assets and planned dissolution of WBI. EPA requires the entire, completed document and all attachments.

**WGD Response:**

WGD has produced all documents in its possession that respond to Question 13.

[Without waiving any privilege or evidentiary protection, counsel for WGD notes that Question 13 appears to be referring to the documents contained in Attachment 5 to the January 15, 2016 response by CAL to U.S.EPA’s request for information of November 5, 2015, directed to CAL. It also appears rather than being incomplete, Attachment 5 is merely out of order, and that Page 14 of the pdf should be moved to immediately precede Page 27 of the pdf.]

14. What has been the role of Mr. Robert R. Roth (one time representative and signatory on behalf of the Galena State Bank and Trust Co., and then Vincent & Roth, P.C.) at the Site, and with regard to all identified PRPs between 1986 and the present?

**WGD Response:**

WGD objects to Question 14 on the following bases:

- a. Question 14 is vague and unclear.
- b. WGD objects to Question 14 on the basis that it seeks information protected by the attorney-client privilege and the attorney work-product doctrine.

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I certify under a penalty of law that this document and all Enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

West Galena Development, Inc.

By: Pamela J. Ehrler, Executor  
for Estate of Lois Jean Wienen  
Deceased,

Pamela J. Ehrler, as Executor for  
The Estate of Lois Jean Wienen,  
Deceased